

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA)
)
)
) No. 3:05-CR-0079
V.) (PHILLIPS/SHIRLEY)
)
DANNY TRABANINO-ACEVIDO)

ORDER OF DETENTION PENDING TRIAL

The above-named defendant appeared in custody before the undersigned on July 22, 2005, for an initial appearance and arraignment on a criminal indictment. Assistant United States David Dake was present representing the government and CJA Appointed Counsel James W. Bell was present as counsel for the defendant. Spanish interpreter Victoria Funes participated by telephone from the Northern District of Illinois. The government moved for detention and advised this Court that Immigration and Customs Enforcement has placed a detainer against the defendant.

The defendant and his attorney requested an open ended continuance to reserve the defendant's right to move for a detention hearing at later date should the defendant's circumstances change.

The defendant's attorney and the government's attorney agreed this situation constitutes good cause under 18 U.S.C. § 3142(f)(2), and the Court agrees. Therefore, this detention hearing is continued indefinitely. Until that time, the defendant will remain in detention. The defendant stated he understands that he will remain in detention.

The defendant has been informed that a prompt hearing would be scheduled if he becomes eligible and requests a detention hearing. Accordingly, the defendant is committed to the custody of the Attorney General or his designated representative for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private

consultations with defense counsel. On order of a court of the United States or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

IT IS SO ORDERED.

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge